

REFERENCE TITLE: **identity theft**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2114

Introduced by
Representative McClure

AN ACT

AMENDING SECTION 13-2008, ARIZONA REVISED STATUTES; RELATING TO IDENTITY THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-2008, Arizona Revised Statutes, is amended to
3 read:

4 13-2008. Taking identity of another person or entity;
5 transmission of personal identifying information;
6 civil action; notice; classification

7 A. A person commits taking the identity of another person or entity if
8 the person knowingly takes, purchases, manufactures, records, possesses or
9 uses any personal identifying information or entity identifying information
10 of another person or entity, including a real or fictitious person or entity,
11 without the consent of that other person or entity, with the intent to obtain
12 or use the other person's or entity's identity for any unlawful purpose or to
13 cause loss to a person or entity whether or not the person or entity actually
14 suffers any economic loss as a result of the offense.

15 B. On the request of a person or entity, a peace officer in any
16 jurisdiction in which an element of the offense is committed, a result of the
17 offense occurs or the person or entity whose identity is taken resides or is
18 located shall take a report. The peace officer may provide a copy of the
19 report to any other law enforcement agency that is located in a jurisdiction
20 in which a violation of this section occurred.

21 C. If a defendant is alleged to have committed multiple violations of
22 this section within the same county, the prosecutor may file a complaint
23 charging all of the violations and any related charges under other sections
24 that have not been previously filed in any precinct in which a violation is
25 alleged to have occurred. If a defendant is alleged to have committed
26 multiple violations of this section within the state, the prosecutor may file
27 a complaint charging all of the violations and any related charges under
28 other sections that have not been previously filed in any county in which a
29 violation is alleged to have occurred.

30 D. A PERSON OR ENTITY SHALL NOT REQUIRE THE TRANSMISSION OF ANY
31 PERSONAL IDENTIFYING INFORMATION OVER THE INTERNET UNLESS THE PERSONAL
32 IDENTIFYING INFORMATION IS ENCRYPTED.

33 E. A PERSON WHO IS INJURED BY A VIOLATION OF THIS SECTION MAY BRING A
34 CIVIL ACTION AGAINST THE DEFENDANT FOR DAMAGES.

35 F. IF PERSONAL IDENTIFYING INFORMATION IS STOLEN FROM A PERSON OR
36 ENTITY, THE PERSON OR ENTITY SHALL NOTIFY ITS CUSTOMERS THAT THEIR PERSONAL
37 IDENTIFYING INFORMATION HAS BEEN STOLEN AND SHALL PROVIDE INFORMATION ON WHAT
38 THE CUSTOMERS MAY DO TO PROTECT AGAINST THE UNAUTHORIZED USE OF THEIR
39 PERSONAL IDENTIFYING INFORMATION.

40 D. G. This section does not apply to a violation of section 4-241 by
41 a person who is under twenty-one years of age.

42 E. H. Taking the identity of another person or entity is a class 4
43 felony.